

BILL NO. G-87-10-10 (AS AMENDED)

GENERAL ORDINANCE NO. G- 22-FF

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating portions of dedicated streets thereof.

WHEREAS, a petition to vacate a portions of dedicated
streets within the City of Fort Wayne (as more specifically
described below) was duly filed with the City Planning
Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate
portions of dedicated streets within the City of Fort Wayne,
more specifically described as follows, to-wit:

Part of the Southwest Quarter of Section 25, Township
30 North, Range 12 East, in Allen County, Indiana, more
particularly described as follows:

Beginning at the intersection of the East line of the
Southwest Quarter of Section 25, Township 30 North,
Range 12 East, Allen County, Indiana, with the South
right-of-way line of Sylvia Avenue, said point being
the Northeast corner of Lot #45 in Home Gardens
Addition, as recorded in the plat thereof in the Office
of the Recorder of Allen County, Indiana; thence West
along the South right-of-way line of Sylvia Avenue and
the North line of said Lot #45 in Home Gardens
Addition, a distance of 416.97 feet (414 feet, plat) to
a point on the East right-of-way line of John Street,
said point being the Northwest corner of said Lot #45;
thence North along the East right-of-way line of John
Street, a distance of 50.0 feet to a point on the North

1 right-of-way line of Sylvia Avenue, said point being
2 the Southwest corner of Lot #34 in Home Gardens
3 Addition; thence East along the North right-of-way line
4 of Sylvia Avenue and the South line of said Lot #34, a
5 distance of 416.88 feet (414 feet, plat) to a point on
6 the East line of the SW 1/4 of Sec. 25-30-12, said
7 point being the Southeast corner of said Lot #34 in
8 Home Gardens Addition; thence South along the East line
9 of the SW 1/4 of Sec. 25-30-12, a distance of 50.0 feet
10 to the point of beginning, containing 0.48 acres.

11 and which vacating amends the Thoroughfare Plan of the City
12 Comprehensive ("Master") Plan and is hereby approved in all
13 respects.

14 SECTION 2. That this Ordinance shall be in full force
15 and effect from and after its passage, any and all necessary
16 approval by the Mayor.

17 _____
18 COUNCILMEMBER

19 APPROVED AS TO FORM AND LEGALITY:

20 _____
21 BRUCE O. BOXBERGER, CITY ATTORNEY

22 ** Public hearing to be held on _____,
23 the _____ day of _____, 1987,
24 in the Council Chambers.

25 _____
26 Sandra E. Kennedy, City Clerk
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28
29
30
31
32

1 BILL NO. G-87-10-10

2 GENERAL ORDINANCE NO. G-_____

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating portions of dedicated streets thereof.

6 WHEREAS, a petition to vacate a portions of dedicated
7 streets within the City of Fort Wayne (as more specifically
8 described below) was duly filed with the City Planning
9 Commission; and

10 WHEREAS, said Commission duly held a public hearing
11 thereon; and

12 WHEREAS, said Commission has duly forwarded its
13 recommendation to this body approving said petition, all in
14 accordance with I.C. 36-7-4-512(2) and this body having held
15 a public hearing on said vacation as provided in I.C. 36-7-
16 4-12; and

17 WHEREAS, this body concurs in the recommendation of the
18 City Planning Commission.

19 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 SECTION 1. That the petition filed herein to vacate
22 portions of dedicated streets within the City of Fort Wayne,
23 more specifically described as follows, to-wit:

24 Part of the Southwest Quarter of Section 25,
25 Township 30 North, Range 12 East, in Allen County,
26 Indiana, more particularly described as follows:

27 Beginning at a point on the West right-of-way line of
28 John Street, said point being 65.0 feet North of the
29 Southeast corner of Lot #37 in Home Gardens Addition,
30 as recorded in the plat thereof in the Office of the
31 Recorder of Allen County, Indiana; thence North along
32 the West right-of-way line of John Street, a distance
of 585.0 feet to a point in the centerline of a ditch,
said point being 50.0 feet North of the Southeast
corner of Lot #15 in Home Gardens Addition; thence
Northeasterly along the centerline of said ditch, a
distance of 81.6 feet to a point on the East right-of-
way line of John Street, said point being 15.0 feet
North of the Southwest corner of Lot #25 in Home
Gardens Addition, thence South along the East right-of-
way line of John Street a distance of 650.0 feet to a

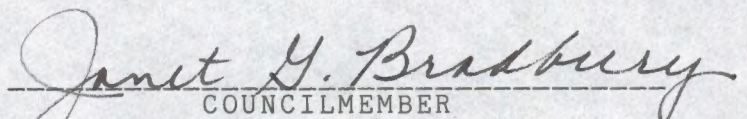
point, said point being 65.0 feet North of the Southwest corner of Lot #32 in Home Gardens Addition; thence West, a distance of 50.0 feet to the point of beginning, containing 0.71 acres.

Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East line of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, with the South right-of-way line of Sylvia Avenue, said point being the Northeast corner of Lot #45 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence West along the South right-of-way line of Sylvia Avenue and the North line of said Lot #45 in Home Gardens Addition, a distance of 416.97 feet (414 feet, plat) to a point on the East right-of-way line of John Street, said point being the Northwest corner of said Lot #45; thence North along the East right-of-way line of John Street, a distance of 50.0 feet to a point on the North right-of-way line of Sylvia Avenue, said point being the Southwest corner of Lot #34 in Home Gardens Addition; thence East along the North right-of-way line of Sylvia Avenue and the South line of said Lot #34, a distance of 416.88 feet (414 feet, plat) to a point on the East line of the SW 1/4 of Sec. 25-30-12, said point being the Southeast corner of said Lot #34 in Home Gardens Addition; thence South along the East line of the SW 1/4 of Sec. 25-30-12, a distance of 50.0 feet to the point of beginning, containing 0.48 acres.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1987,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Brad Lary, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|-------------|-------------|-------------|------------------|---------------|
| TOTAL VOTES | <u>9</u> | | | |
| BRADBURY | <u>✓</u> | | | |
| BURNS | <u>✓</u> | | | |
| GiaQUINTA | <u>✓</u> | | | |
| HENRY | <u>✓</u> | | | |
| LONG | <u>✓</u> | | | |
| REDD | <u>✓</u> | | | |
| SCHMIDT | <u>✓</u> | | | |
| STIER | <u>✓</u> | | | |
| TALARICO | <u>✓</u> | | | |

DATED: 7-26-88

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____

(SPECIAL) _____ (ZONING MAP) _____ ORDINANCE RESOLUTION NO. B-22-88
on the 26th day of July, 1988.

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of July, 1988, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of July, 1988, at the hour of 2:45 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Read the first time in full and on motion by Bradbury
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulations (and the
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort W
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M.

DATE: 10-12-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____
seconded by _____, and duly adopted, placed on final
passage. PASSED (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | _____ | _____ | _____ | _____ | _____ |
| <u>BRADBURY</u> | _____ | _____ | _____ | _____ | _____ |
| <u>BURNS</u> | _____ | _____ | _____ | _____ | _____ |
| <u>EISBART</u> | _____ | _____ | _____ | _____ | _____ |
| <u>GiaQUINTA</u> | _____ | _____ | _____ | _____ | _____ |
| <u>HENRY</u> | _____ | _____ | _____ | _____ | _____ |
| <u>REDD</u> | _____ | _____ | _____ | _____ | _____ |
| <u>SCHMIDT</u> | _____ | _____ | _____ | _____ | _____ |
| <u>STIER</u> | _____ | _____ | _____ | _____ | _____ |
| <u>TALARICO</u> | _____ | _____ | _____ | _____ | _____ |

DATE: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____

on the _____ day of _____, 19____

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana

on the _____ day of _____, 19____

at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____

19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

CK # 91609

No 2738

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., Sept 18 1987

RECEIVED FROM Gene Keller & Sons, Inc. \$ 200⁰⁰

THE SUM OF Two Hundred and no/100's 100 DOLLARS

ON ACCOUNT OF Vacation of Part of Tanager Ave
of Parts of Sylvia & John Sts.

[Signature]
AUTHORIZED SIGNATURE

VACATION ORDINANCE

PETITION TO VACATE (50' Right of way of two (2) public streets, John Street and Sylvia Avenue)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The Undersigned petitioner does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public streets right of ways within the City of Fort Wayne, Indiana, and hereby described as follows:

(SEE ATTACHED LEGAL DESCRIPTION OF STREET RIGHT OF WAY)

In support thereof, your petition would represent as follows:

1. That they are the only owners of the real estate bordering both sides of Sylvia Avenue right of way and the east complete side of John Street.
2. That the street right of ways are not necessary as ingress or egress to other properties whatsoever.
3. That said (street right of ways are unopened and unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said (street right of ways are not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.

Your petitioner files this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petition prays that the above described street right of ways be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 16 DAY OF September, 1987.

Edward E. Keller, Sr.

EDWARD E. KELLER, SR., PETITIONER

7015 John St. Extended, Fort Wayne, Indiana

Douglas A. McComb

DOUGLAS A. MCCOMB, AGENT

P.O. Box 503, Huntertown, Indiana

ADJACENT PROPERTY OWNER'S SIGNATURE

Edward B Keller Sr

Jr. Wayne Store Co by
Mid American A. J. Zacher agent
Mid-American A. J. Zacher AGENT

ADJACENT PROPERTY OWNER'S ADDRESS

7015 John St

WATER Bed Room 7005 S HANNA
HECK'S RETAIL STORE 7005 S HANNA

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. SO193 INDIANA
GREGORY L. ROBERTS P.L.S. No. SO548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

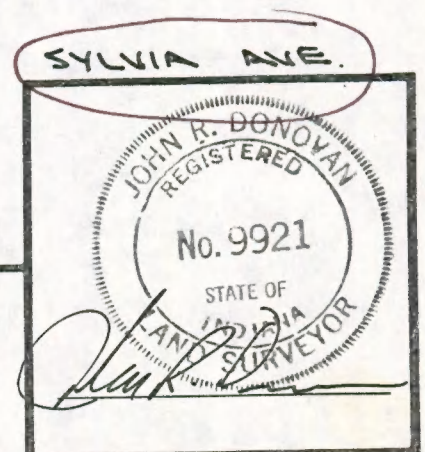
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East line of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, with the South right of way line of Sylvia Avenue, said point being the Northeast corner of Lot #45 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence West along the South right of way line of Sylvia Avenue and the North line of said Lot #45 in Home Gardens Addition, a distance of 416.97 feet (414 feet, plat) to a point on the East right of way line of John Street, said point being the Northwest corner of said Lot #45; thence North along the East right of way line of John Street, a distance of 50.0 feet to a point on the North right of way line of Sylvia Avenue, said point being the Southwest corner of Lot #34 in Home Gardens Addition; thence East along the North right of way line of Sylvia Avenue and the South line of said Lot #34, a distance of 416.88 feet (414 feet, plat) to a point on the East line of the SW $\frac{1}{4}$ of Sec. 25-30-12, said point being the Southeast corner of said Lot #34 in Home Gardens Addition; thence South along the East line of the SW $\frac{1}{4}$ of Sec. 25-30-12, a distance of 50.0 feet to the point of beginning, containing 0.48 acres.

JOB FOR: MCOMB

6-3-07



CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

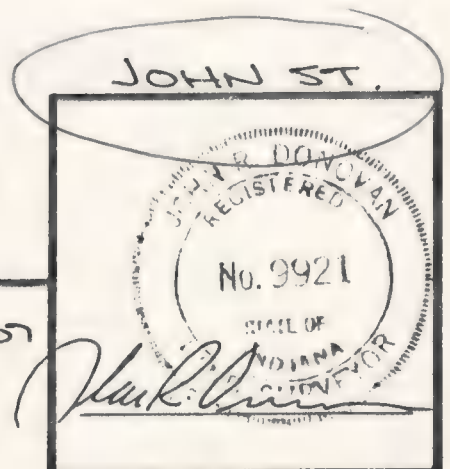
Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

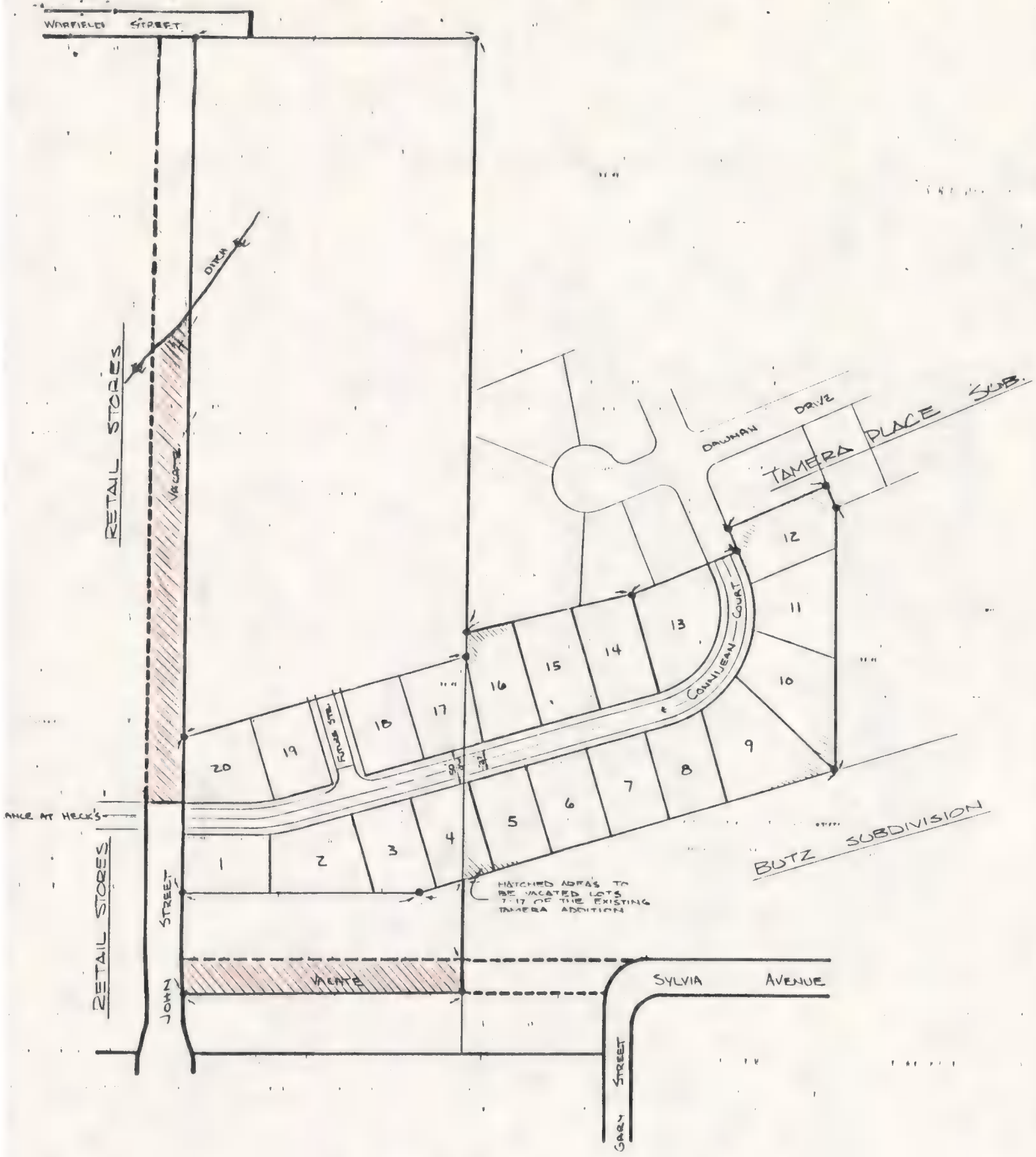
The description of the real estate is as follows, to wit: Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in ALLEN County, Indiana, more particularly described as follows:

Beginning at a point on the West right-of-way line of John Street, said point being 65.0 feet North of the Southeast corner of Lot #37 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence North along the West right-of-way line of John Street, a distance of 585.0 feet to a point in the centerline of a ditch, said point being 50.0 feet North of the Southeast corner of Lot #15 in Home Gardens Addition; thence Northeast-erly along the centerline of said ditch, a distance of 81.6 feet to a point on the East right-of-way line of John Street, said point being 15.0 feet North of the Southwest corner of Lot #25 in Home Gardens Addition; thence South along the East right-of-way line of John Street a distance of 650.0 feet to a point, said point being 65.0 feet North of the Southwest corner of Lot #32 in Home Gardens Addition; thence West, a distance of 50.0 feet to the point of beginning, containing 0.71 Acres.

JOB FOR: MCCOMB

9-16-87





RESOLUTION

WHEREAS, EDWARD KELLER, SR., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following portion of public street in Fort Wayne, Allen County, to-wit:

Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East line of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, with the South right-of-way line of Sylvia Avenue, said point being the Northeast corner of Lot #45 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence West along the South right-of-way line of Sylvia Avenue and the North line of said Lot #45 in Home Gardens Addition, a distance of 416.97 feet (414 feet, plat) to a point on the East right-of-way line of John Street, said point being the Northwest corner of said Lot #45; thence North along the East right-of-way line of John Street, a distance of 50.0 feet to a point on the North right-of-way line of Sylvia Avenue, said point being the Southwest corner of Lot #34 in Home Gardens Addition; thence East along the North right-of-way line of Sylvia Avenue and the South line of said Lot #34, a distance of 416.88 feet (414 feet, plat) to a point on the East line of the SW 1/4 of Sec. 25-30-12, said point being the Southeast corner of said Lot #34 in Home Gardens Addition; thence South along the East line of the SW 1/4 of Sec. 25-30-12, a distance of 50.0 feet to the point of beginning, containing 0.48 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; andnd,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on October 19, 1987, at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said portion of street.

WHEREAS, said vacation of said portion of street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said portion of street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort

STATE OF INDIANA))
) SS:
COUNTY OF ALLEN)

DATED THIS 30 DAY OF November 1987

Paul F. Trotter

Robert Hutner, Secretary

RESOLUTION 77-192-3

WHEREAS, EDWARD KELLER, SR., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following a public street in Fort Wayne, Allen County, to-wit:

Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East line of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, with the South right-of-way line of Sylvia Avenue, said point being the Northeast corner of Lot #45 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana; thence West along the South right-of-way line of Sylvia Avenue and the North line of said Lot #45 in Home Gardens Addition, a distance of 416.97 feet (414 feet, plat) to a point on the East right-of-way line of John Street, said point being the Northwest corner of said Lot #45; thence North along the East right-of-way line of John Street, a distance of 50.0 feet to a point on the North right-of-way line of Sylvia Avenue, said point being the Southwest corner of Lot #34 in Home Gardens Addition; thence East along the North right-of-way line of Sylvia Avenue and the South line of said Lot #34, a distance of 416.88 feet (414 feet, plat) to a point on the East line of the SW 1/4 of Sec. 25-30-12, said point being the Southeast corner of said Lot #34 in Home Gardens Addition; thence South along the East line of the SW 1/4 of Sec. 25-30-12, a distance of 50.0 feet to the point of beginning, containing 0.48 acres.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

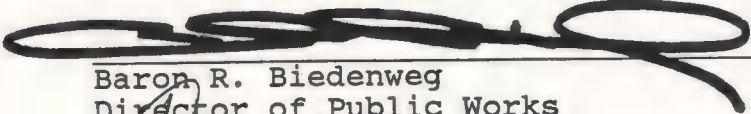
COUNTY OF ALLEN)


I, Baron R. Biederman, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the

Fort Wayne Board of Public Works at their meeting held
November 18, 1987 and as same appears
of record in the official records of the Board of Public Works

DATED THIS 18th DAY OF November 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance

Gregory A. Purcell, Director of Division of
Community Development & Planning

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE _____

Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE _____

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE _____

Vacation of a portion of John Street and Sylvia Street.

11-87-10-10

EFFECT OF PASSAGE _____

Property is presently dedicated right-of-way. Property will
be vacated and revert to the use of the adjacent property owners.

EFFECT OF NON-PASSAGE _____

Property will remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Bill No. G-87-10-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Street Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

Portion of John Street & Sylvia Street.

Reason for Project

Future Development

Discussion (Including relationship to other Council actions)19 October 1987 - Public Hearing

Doug McComb, engineer for project representing Ed Keller the owner stated that these rights-of-way are unimproved. He stated that they are willing to provide any easements as needed. He stated that he had discussed with staff and had agreed to modify their request to vacate John Street starting approximately 395 feet north of the north right of way of the existing Sylvia Street right of way. He stated this will provide right of way in front of the proposed subdivision and continuing north approximately 65 feet, which would allow for future construction of a cul-de-sac if necessary.

Janet Bradbury stated that she was of the understanding that they are planning to have the cul-de-sac open going directly out making a 90 degree turn at the cul-de-sac going out and then the proposed street would go and make another 90 degree turn and go out John Street. She questioned if that is a projection or a plan.

Doug McComb stated that they have not

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Ed Keller

City Department

Other

Opponents**Groups or Individuals**

Dianna Kimmel, 1207 Sylvia St

Basis of Opposition

- increase traffic congestion in area

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☐ For ☐ Against
☐ No Action Taken☒ For with revisions to conditions
(See Details column for conditions)
Delete John St from request.**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

made plans to connect those two streets together at this time. Mr. McComb stated that he felt the owner is committed to making that connection, they wanted to connect it when it was originally submitted, but it was recommended they should not. He stated that they have made provisions in the future to make the connection but it is not a part of this plat now.

Yvonne Stam questioned what is the rationale for vacating John Street.

Doug McComb stated that it is not a major concern whether John Street is vacated at this time. He stated that when this area is developed it might at that time allow a different configuration of the plat. He stated it would make the ground more useable.

Yvonne Stam stated that she felt it would make more sense to vacate a street when they know the reason for the request. She stated she wasn't sure that the petitioner had given them good reason to vacate John Street at this time.

Doug McComb stated that the right-of-way has existed unimproved for years. He stated that there is a creek to cross if the City would build a road. He stated that he felt the likelihood of a road ever being constructed on the location is zero. He stated from that standpoint the owner would like to see it vacated.

POLICY/PROGRAM IMPACT

| | | |
|-------------------------------|-----------------------------|------------------------------|
| Policy or Program Change | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| | | |
| | | |
| Operational Impact Assessment | | |
| | | |
| | | |

(This space for further discussion)

Ms. Stam questioned if Mr. Keller owned the shopping center as well.

Mr. McComb stated he did not.

Dianna Kimmel, 1207 Sylvia Street, stated that representing the neighborhood they do want to see John Street connected with the subdivision due to the fact that they are already experiencing a heavy traffic flow down their street. She stated they are cutting through from Decatur Road out onto the highway. She stated not putting John Street through they will experience even more traffic. She stated that they did sign a petition in favor of connecting Conni Jean Court to John Street and Mr. Keller represented the fact that this was his plan.

Janet Bradbury questioned regardless of how the connection was made from Conni Jean, whether it was straight through, right angle and then another right angle, if the neighborhood would have opposition to the plan.

Ms. Kimmel stated that is correct.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

26 October 1987 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation with the following Perfection:

- 1) Sylvia Street right of way to be vacated as petitioned subject to the petition providing utility easements as necessary.
- 2) John Street should not be vacated at this time. The overall development potential is unknown, and it would be inappropriate to vacate this portion of right of way now.

Motion carried.

Project Start

Date
10-18-87

Projected Completion or Occupancy

Date
6-29-88

Fact Sheet Prepared by

Date
6-29-88

Patricia Biancaniello

Reviewed by

Date

Larry Bacto
Reference or Case Number

6/30/88

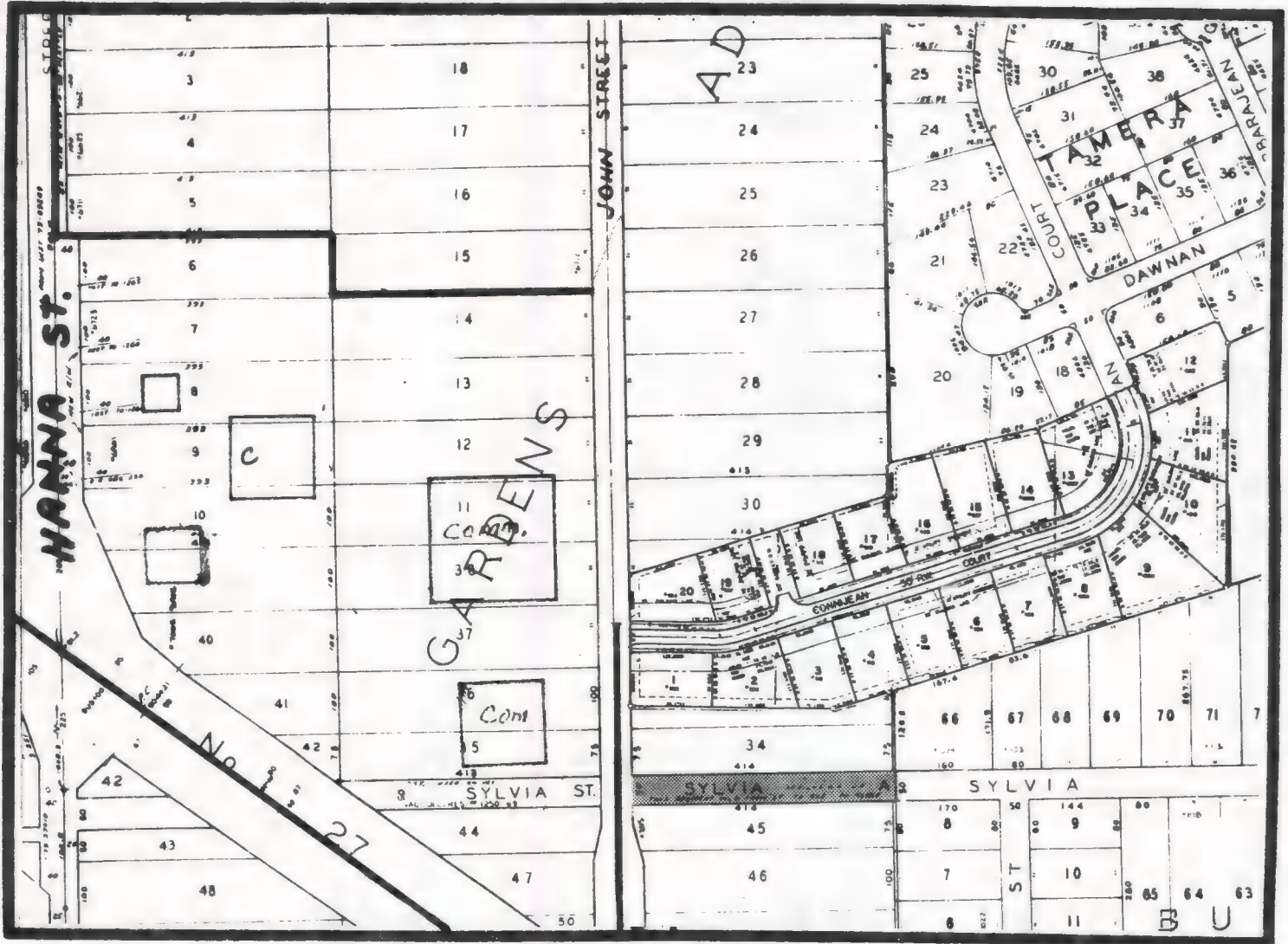
Bill No. G-87-10-10

NOTE: This ordinance has been held until the petitioner submitted a new legal description deleting John Street from the request. It was also necessary for the petitioner to submit and have recorded a Grant of Easement for the Water Pollution Control Engineering Department.

VACATION PETITION #309.
A PETITION TO VACATE THE DESCRIBED PUBLIC STREETS.

MAP NO. N-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

LAND USE:

BIB LIMITED BUSINESS 'B'
RB RESIDENCE 'B'

AS AMENDED

SCALE: 1"=200'

36

DATE: 10-5-87



~~John St.~~ OK

BILL NO. G-87-10-10 (as amended)

John St. not included.

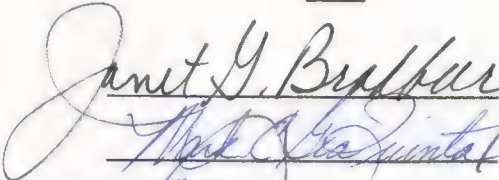
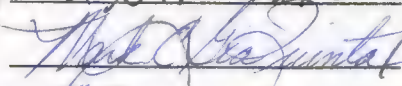

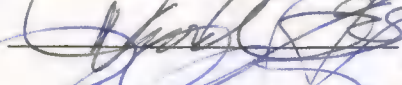

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
Thoroughfare Plan of the City Comprehensive ("Master") Plan
by vacating portions of dedicated streets thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

| | | |
|---|-------------------|-------|
|  | JANET G. BRADBURY | _____ |
|  | CHAIRPERSON | _____ |
|  | MARK E. GIAQUINTA | _____ |
|  | VICE CHAIRMAN | _____ |
|  | CHARLES B. REDD | _____ |
| | DAVID C. LONG | _____ |
| | PAUL M. BURNS | _____ |

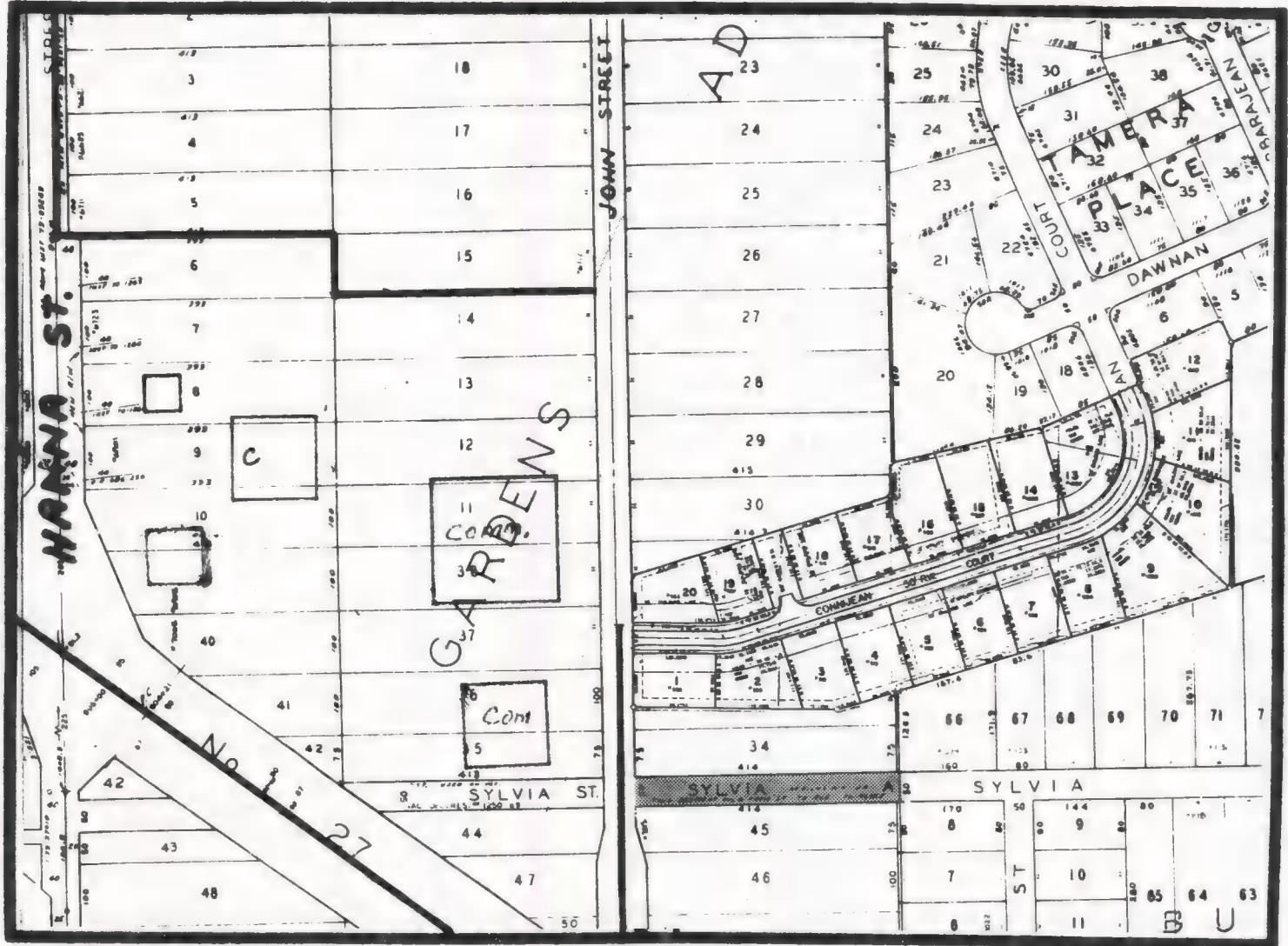
CONCURRED IN _____

Sandra E. Kennedy
City Clerk

VACATION PETITION #309
A PETITION TO VACATE THE DESCRIBED PUBLIC STREETS.

MAP NO. N-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

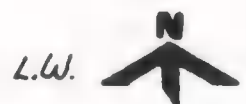
BIB LIMITED BUSINESS 'B'
RB RESIDENCE 'B'

LAND USE:

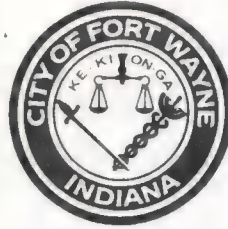
AS AMENDED

SCALE: 1"=200'

36 **DATE:** 10-5-87



All America City



Most Livable City

THE CITY OF FORT WAYNE

July 6, 1988

Ms. April Minnick
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Minnick:

Please give the attached full coverage on the date of July 9, 1988, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN


Bill No. G-87-09-32
Utility Easement Vacation

Bill No. G-87-10-10
Street Vacation

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 2

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-10-10)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, July 26, 1988, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, IN, more particularly described as follows:

Vacation of a portion of John Street and Sylvia Street
Property is presently dedicated right-of-way. Property
will be vacated and revert to the use of the adjacent
property owners - Councilmanic District #5

Part of the Southwest 25, Township
30 North, Range 12 East, Indiana, more
particularly

Beginning at the line of the
Southwest Quarter 30 North,
Range 12 East the South
right-of-way point being
the Northeast Home Gardens
Addition, as recorded in the Office
of the Recorder thence West
along the South Avenue and
the North line the Gardens
Addition, a distance of 309 feet (plat) to
a point on the n Street,
said point being Lot #45;
thence North along of John
Street, a distance of 503 feet to the North

right-of-way line t being
the Southwest co Gardens
Addition; thence E ay line
of Sylvia Avenue a #34, a
distance of 416.88 point on
the East line of said
point being the S 34 in
Home Gardens Addition t line
of the SW 1/4 of Se feet
to the point of beg.

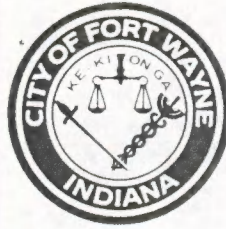
*On disk as
Ordam. 309
Agent:
Doug McComb
P.O. Box 503
Hunterstown, IN
46748*

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

All America City



Most Livable City

THE CITY OF FORT WAYNE

July 8, 1988

Douglas McComb
P.O. Box 503
Huntertown, IN 46748

NOTICE OF PUBLIC HEARING ON BILL NO. G-87-10-10

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, July 26, 1988, at 7:00 P.M. (EST) in the Common Council Conference Room 128, 1st floor, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

Vacation of a portion of John Street and Sylvia Street - Future Development - Property is presently dedicated right-of-way. Property will be vacated and revert to the use of the adjacent property owners.

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk

PUBLISHER'S CLAIM

| | |
|--|----|
| LINE COUNT | |
| Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set) -- number of equivalent lines | |
| Head -- number of lines | 3 |
| Body -- number of lines | 39 |
| Tail -- number of lines | 3 |
| Total number of lines in notice | 45 |

| | |
|--|----------|
| COMPUTATION OF CHARGES | |
| 45 lines, 1 columns wide equals 45 equivalent lines at .330 cents per line | \$ 14.85 |
| Additional charge for notices containing rule or tabular work (50 percent of above amount) | |
| Charge for extra proofs of publication (\$1.00 for each proof in excess of two) | 2.00 |
| TOTAL AMOUNT OF CLAIM | \$ 16.85 |

| | |
|---------------------------------|--|
| DATA FOR COMPUTING COST | |
| Width of single column 12.5 ems | |
| Number of insertions 1 | |
| Size of type 6 point | |

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Trudy Sterling

Clerk

Date: July 9, 1988 Title:

PUBLISHER'S AFFIDAVIT

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-10-10)

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Vacation of a portion of John Street and Sylvia Street Property is presently dedicated right-of-way. Property will be vacated and revert to the use of the adjacent property owners-Councilmanic District #5.

Part of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Beginning at the intersection of the East line of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, Allen County, Indiana, with the South right-of-way line of Sylvia Avenue, said point being the Northeast corner of Lot #45 in Home Gardens Addition, as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana: thence West along the South right-of-way line of Sylvia Avenue and the North line of said Lot #45 in Home Gardens Addition, a distance of 416.97 feet (414 feet, plat) to a point on the East right-of-way line of John Street, said point being the Northwest corner of said Lot #45; thence North along the East right-of-way line of John Street, a distance of 50.0 feet to a point on the North right-of-way line of Sylvia Avenue, said point being the Southwest corner of Lot #34 in Home Gardens Addition; thence East along the North right-of-way line of Sylvia Avenue and the South line of said Lot #34, a distance of 416.88 feet (414 feet, plat) to a point on the East line of the SW ¼ of Sec. 25-30-12, said point being the Southeast corner of said Lot #34 in Home Gardens Addition; thence South along the East line of the SW ¼ of Sec. 25-30-12, a distance of 50.0 feet to the point of beginning, containing 0.48 acres.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time 7/9/88, the dates of publication being as follows:

Trudy Sterling

Subscribed and sworn to before me this 9th day of July, 19 88.

Shelley R. LaRue

Notary Public

My commission expires: March 3, 1990

Fort Wayne Common Council
(Governmental Unit)To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

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3

39

3

45

COMPUTATION OF CHARGES

45 lines, 1 columns wide equals 45 equivalent lines
at .330 cents per line

\$ 14.85

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

2.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

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Number of insertions 1

Size of type 6 point

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: July 9, 19 88

Title: Clerk

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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk